

Executive Director's Report For March 24, 2005

Announcements:

- In *Association of American Physicians and Surgeons v. Brewer*, Judge Carroll upheld the constitutionality of the matching funds by dismissing the case. The Plaintiffs have indicated to the press that they plan to appeal.
- Campaign Contribution Limits - Secretary of State Brewer has issued her Biennial Adjustments to the contribution limits for the 2005- 2006 election cycle. The adjustment is based on a 5.2% consumer price index change.
- Clean Elections Act Biennial Adjustments - Secretary of State Brewer has also released the new Participating Candidate Expenditure and Contribution Limits for the 2006 elections (included in Information Items).

Voter Education:

- This month's Monthly E-Mail Blast was sent out on March 9th; *The Bulletin* – The next issue is scheduled to be distributed on April 1st; and a recent press release on "Officeholder Expense Accounts" was distributed.
- Speaking Engagements – Eric Gorseigner has had two recent engagements (Mesa & Tucson) in the last 2 weeks and 7 more are scheduled through April.
- 2006 Election- Autumn Southard has started updating the training materials for the 2006 election.

Enforcement:

- The latest 2004 Enforcement Status Report shows a total of 67 matters under review: 32 are closed or settled; 5 are under investigation; 9 are complaints about candidates from the 2002 election and are "on hold." Of the total, 23 complaints have been filed by the same individual.
- Michele Iafrate, Iafrate & Associates, has been retained as the Commission's outside counsel for the complaint filed against Attorney General Terry Goddard's 2002 campaign committee. Ms. Iafrate will provide written legal advice to the Commission on whether a statute of limitations bars the Commission from considering the 9 complaints against candidates in the 2002 election. Ms. Iafrate is unable to attend the meeting, but she will send her written legal advice to the Commission's office on Wednesday, March 23, 2005.
- During the March 24 meeting, Gene Lemon, Outside Investigative Consultant, will present his Probable Cause and Civil Penalty Recommendations for David Smith and Ron Gould, and his recommendation to dismiss the complaint against Pamela Gorman.
- In matters under review for Rick Murphy, David Gowan, Jesse Hernandez, and Peggy Hamman, the campaign audits are expected to be completed in the next few weeks. Upon completion of the audits, approval of the audits and the staff recommendations will be placed on the next meeting agenda.
- Sylvia Allen and Isaac Serna have satisfied the terms of their settlement agreements.
- Bruce Murchison is interested in settling his case, which involves overspending the general election spending limit by \$1,200.

Legislation: The five bills that impact Clean Elections proceeding through the Legislature are:

- HB 2505: Legislators and statewide officeholders are permitted to maintain officeholder expense accounts subject to certain restrictions.
- HB 2340: Matching funds to participating candidates reduced for fundraising expenses: 10% for a legislative office candidate and 15% for a statewide office candidate.
- SB 1158: Eliminates unconstitutional statutes including the requirement that the Commission on Appellate Court Appointments nominate candidates for vacant Citizens Clean Election Commissioner positions. With Sen. Tibshraeny's permission, the Chair and Executive Director will seek a sponsor in the House for the following 2 amendments: delete role of members of supreme court in A.R.S § 16-955(C) & delete A.R.S § 16-944, lobbyist fee, which have been ruled unconstitutional.
- SB 1279: Eliminates the reporting requirements for nonparticipating candidates who are unopposed by a participating candidate and increase the random sample for \$5 qualifying contributions from 5% to 20% for legislative candidates.
- SB 1427: Requires the Commission to post the following information on its website: number of pages of rules, policies, or guidance documents adopted by the CCEC if those documents were printed from the website onto standard sized paper; date the CCEC adopted its first rule; and estimated number of pages of documents that the CCEC is likely to adopt by 2010.

CCEC Staff:

- First staff training meeting was held two weeks ago. The second session on enforcement will be held next Tuesday.
- For the Campaign Finance Manager position, the recruitment ad is up and running in three venues (1) "azstatejobs.gov" – the ADOA Human Resources State of Arizona Site, (2) on the CCEC Website and, (3) the Capitol Times for 3 weeks that began on March 18th. Notices have also been sent to COGEL (it will be posted on their website) as well as a dozen other organizations or key contacts. So far we have received about two dozen applications.
- Colleen Connor has been asked to serve on the COGEL Site Selection Committee. Arizona is being considered as a possible site for the 2009 Annual COGEL Meeting.

Other Projects & Items:

- Electronic Fund Transfers: We have had our second meeting with the State Comptroller and ADOA and, again, the results were encouraging. We are attempting to set up a follow up meeting with the State Treasurer's Office to keep the process moving forward.
- Software – We are communicating with the SOS office regarding 2006 software changes.